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Attorneys for Defendants Rimini Street, Inc. and Seth Ravin

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation,
and SETH RAVIN, an individual,

Defendants.

RIMINI STREET, INC.
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Case No. 2:10-cv-0106-LRH-VCF

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF DEFENDANTS RIMINI
STREET, INC.'S AND SETH RAVIN'S
EMERGENCY MOTION TO ENFORCE
THIS COURT'S ORDERS ENTERED AS
DOCKETS 893 & 903**

Judge: Hon. Larry R. Hicks

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for
3 Defendants Rimini Street, Inc. and Seth Ravin (collectively, "Rimini") in the above-referenced
4 action.

5 2. I submit this declaration in support of Rimini's Emergency Motion to Enforce this
6 Court's Orders Entered as Dockets 893 & 903. Unless otherwise indicated, I have personal
7 knowledge of the foregoing and could and would testify to the same if called as a witness in this
8 matter.

9 3. As explained herein, Rimini's motion is properly brought as an emergency motion
10 pursuant to Local Rule 7-4.

11 4. Oracle has created an emergency by announcing, on September 30, 2016, that it
12 intends to enforce the attorneys' fees judgment of approximately \$46 million separately from the
13 other monetary awards in this litigation. Dkt. 1059 at 2. Oracle's position that it intends to enforce
14 the judgments piecemeal rather than await entry of a joint single, final judgment cannot be reconciled
15 with the Court's post-trial order and the parties' agreement and stipulation, entered by the Court as an
16 order, which requires the entry of a single, final judgment. Dkts. 893, 899, 903.

17 5. Rimini met and conferred with Oracle multiple times to seek and resolve this issue
18 without the Court's intervention. Rimini sent a letter on Friday, September 23, 2016 reminding
19 Oracle of the Court's order (Dkt. 1055-5) with a follow-up email that same day (Dkt. 1055-6), but
20 Oracle refused to abide by the order (Dkt. 1055-7). I then initiated and participated in a telephonic
21 meet-and-confer discussion on Wednesday, September 28, 2016, with Thomas Hixson and Beko
22 Richardson, counsel for Oracle, during which I explained Rimini Street's position. Following that
23 conversation, and at the request of Oracle's counsel, I sent a proposed stipulation to Oracle that
24 reaffirmed the parties' commitment to follow their stipulation and the Court's order. On Thursday,
25 September 29, 2016, Mr. Hixson responded that Oracle would not agree to the stipulation. I replied
26 that Rimini would be calling the Court to request a status conference. A true and correct copy of that
27 email exchange, with Rimini's proposed stipulation, is attached as **Exhibit A**.

6. On Thursday, September 29, 2016, counsel for Rimini Street (myself and West Allen), along with counsel for Oracle (Messrs. Hixson and Richardson) telephoned Ms. Negrete; during that conversation, I requested a status conference with the Court to resolve this issue. Ms. Negrete stated that Rimini should file a letter explaining the issue and requesting a status conference. Rimini filed that letter the same day. Dkt. 1058. Oracle replied the next day, Friday, September 30, 2016, and made clear that it intended to enforce the attorneys' fees judgment, without disputing that its current position is in derogation of the parties' prior agreement and Court orders. Dkt. 1059. The Court has not yet set a status conference or otherwise responded to the parties' submission.

7. The attorneys' fees judgment could be enforceable as soon as Thursday, October 6, 2016, which is when the 14-day automatic stay on enforcement of a judgment under Rule 62(a) of the Federal Rules of Civil Procedure could be interpreted to expire. There would not be any emergency if Oracle had followed the Court's order regarding a single, final judgment. However, Oracle's decision to ignore that order and its announced intention to seek to enforce the attorneys' fees judgment before the entry of a final judgment has created an emergency.

8. Pursuant to Local Rule 7-4(a)(2), this declaration includes as an addendum the office addresses and telephone numbers of movant and all affected parties.

9. Pursuant to Local Rule 7-4(a)(3), Rimini notified Oracle of this emergency motion by filing it the morning of October 3, 2016, and Oracle will receive notification through the CM/ECF filing system. As described above, however, Rimini has been meeting and conferring with Oracle on this issue for over a week (since September 23, 2016).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of October, 2016, at Washington, D.C.

DATED: October 3, 2016

GIBSON, DUNN & CRUTCHER LLP

By: Mark A. Perry
Mark A. Perry

Attorneys for Defendants

ADDENDUM: Office Addresses and Telephone Numbers of Movant and All Affected Parties

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2016, I caused to be electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

By: Mark A. Perry
Mark A. Perry

Attorney for Defendants
Rimini Street, Inc. and Seth Ravin